

REMARKS

This Response, filed in reply to the Office Action dated October 4, 2007, is believed to be fully responsive to each point of objection and rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-7 have been rejected. Claims 1-6 have been canceled. New Claims 8-14 have been introduced. Support for these claims can be found throughout the specification, and at least at the following. Support for new Claims 8 and 12 can be found at, for example, page 4, lines 24-26 and page 6, lines 5-23 of the specification as filed. Support for new Claim 9 can be found at, for example, page 3, lines 10-11 of the specification as filed. Support for new Claims 10 and 13 can be found at, for example, page 3, lines 6-7 of the specification as filed, and support for new Claims 11 and 14 can be found at, for example, page 3, lines 8-9 of the specification as filed. New Claims 8-14 incorporate subject matter of cancelled Claims 2-6. Upon entry of this amendment, Claims 7-14 will be all the claims pending in the Application.

Claim 7 is Not Obvious over Copending U.S. Application No. 10/593,465

As noted above, Claims 1-6 have been cancelled. With regard to Claim 7, as this rejection is provisional, Applicants defer responding.

Objections to the Claims

On page 3 of the Office Action, Claim 6 has been objected to as being a substantial duplicate of Claim 1. The Office asserts that Claims 1 and 6 are both directed to an "acerola-derived substance capable of inhibiting glucose absorption," and that the intended uses of the

composition as set forth in the preambles of Claims 1 and 6 do not appear to patentably affect the compositions as claimed.

Applicants respectfully submit that the cancellation of Claim 6 renders the objection moot. Further, Applicants note that the composition claims of the instant application have been canceled and the new claim set attached herewith is directed to methods of making, and methods of using, acerola fruit-derived extracts.

The Rejection Under 35 U.S.C. § 112, for Lack of Enablement, is Moot

On page 4 of the Office Action, Claim 6 has been rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a therapeutic agent for diabetes or diabetic complications, allegedly does not reasonably provide enablement for a preventive agent for the same.

Applicants respectfully submit that the cancellation of Claim 6 renders the rejection moot, and new Claims 8-14 are enabled by the specification.

Withdrawal of the enablement rejection is therefore respectfully requested.

The Rejection of Claim 6 Under 35 U.S.C. § 112, second paragraph, is Moot

On page 9 of the Office Action, Claim 6 has been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that this rejection is moot in view of the cancellation of Claim 6, and new Claims 8-14 comply with the requirements of Section 112, second paragraph.

Withdrawal of the rejection is therefore respectfully requested.

The Rejection of Claims 1-6 Under 35 U.S.C. § 102(b) is Moot

On page 9 of the Office Action, Claims 1-6 have been rejected under 35 U.S.C. 102(b) as being anticipated by Majoie (U.S. Patent No. 4,229,439).

Applicants respectfully submit that the rejection is moot in view of the cancellation of Claims 1-6.

New Claims 8-14 have been introduced, which recite a method for reducing glucose absorption in an individual. Applicants respectfully submit that new Claims 8-14 are not anticipated, or rendered obvious, by Majoie.

Withdrawal of the rejection is therefore respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


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